

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

STEPHEN BAIN,

Plaintiff,
-against-

THE CITY OF NEW YORK, THE NEW
YORK CITY POLICE DEPARTMENT,
METROPOLITAN TRANSPORTATION
AUTHORITY, METROPOLITAN
TRANSPORTATION POLICE DEPARTMENT,
LONG ISLAND RAILROAD d/b/a
MTA LONG ISLAND RAILROAD,
LONG ISLAND RAILROAD POLICE
DEPARTMENT, PO ROBERT
ARONSON - shield 02300, PO DANIEL
MCDADE - shield 2020, and "JOHN DOES"
(names not known and fictitious)- POLICE
OFFICER,

**MTA DEFENDANTS'
RESPONSES TO
PLAINTIFF'S FIRST
SET OF
INTERROGATORIES**

07cv8021 (VM)

Defendants.

-----X

Defendants, METROPOLITAN TRANSPORTATION AUTHORITY,
METROPOLITAN TRANSPORTATION AUTHORITY POLICE DEPARTMENT,
LONG ISLAND RAILROAD d/b/a MTA LONG ISLAND RAILROAD, LONG ISLAND
RAILROAD POLICE DEPARTMENT, PO ROBERT ARONSON - shield 02300, PO
DANIEL MCDADE - shield 2020, and "JOHN DOES" (names not known and fictitious) -
Police Officers by their attorneys LEWIS JOHS AVALLONE AVILES, LLP., respond to
plaintiff's first set of interrogatories dated January 18, 2008 as follows:

1. NYC EMT Wallace, ID# 6943NYC EMT Ramos, NYC PD Sargent Gaudino, Shield No.: 744, NYC PD P.O. Perez, Field #2060, NYC PD P.O. Wendler, Shield No.: 2802, MTA Police Officer McDade, Shield No.: 2020; MTA Police Officer

P.O. Aronson, Shield No.: 2300; MTA Police Officer Interdonati, Shield No.: 2481; MTA P.O. Tully, Shield No.: 2090; MTA Police Officer Smith, Shield No.: 2565; MTA Police Officer Prego, Shield No.: 2280; MTA Police Sargent Dittrich, Patrol Supervisor, Shield 393; MTA Police Sargent Smith, Patrol Supervisor, Shield 303; MTA Police Lieutenant Nutter, Patrol Supervisor, Shield No. 12.

2. There is no Civilian Complaint Review Board for the MTA Police Department.

3. Amtrak Inspector Shashde, Dominick Tursi-Civilian, FDNY EMS Investigator Captain Monte Fielder, Jessica Kovak, Administrator Director of NYU Medical Center. Don Cardone, Director of Quality Assurance for Transcare, EMT Jonathan Wallace, MTA Police Sargent Dittrich, MTA Officer Tully, MTA Police Sargent Smith, MTA Police Officer Interdonati; MTA Police Officer Smith; MTA Police Officer Prego; MTA Police Officer Aronson, MTA Police Officer McDade; Stephen Bain; NYPD ESU Sargent Gaudino.

4. See response to Number 2.

5. See responses to Document Request containing these items.

6. EMT Jonathan Wallace - Transcare. EMT Ramos-Transcare. NYPD ESU Sargent Guadin, NYPD Police Officer Perez.

7. See documents exchanged on document request.

8. See MTA police records previously exchanged.

9. Determinations are being made with regard to the personnel of the MTA Police Department who exercised and/or were responsible for making command decisions

regarding the occurrence which is the subject matter of this action. Responses will be forthcoming once they are received.

10. No member of the MTA Police Department was disciplined as a result of this matter.

11. See Document Responses previously exchanged.

12. See Document Responses previously exchanged.

13-20. See Document Responses previously exchanged.

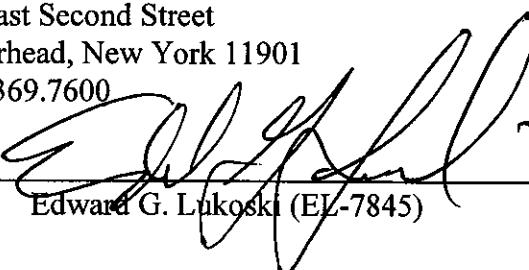
Dated: Riverhead, New York
April 2, 2008

Yours, etc.

LEWIS JOHS AVALLONE AVILES, LLP
Attorneys for Defendants
METROPOLITAN TRANSPORTATION
AUTHORITY, METROPOLITAN
TRANSPORTATION AUTHORITY POLICE
DEPARTMENT, LONG ISLAND RAILROAD d/b/a
MTA LONG ISLAND RAILROAD, LONG ISLAND
RAILROAD POLICE DEPARTMENT, PO
ROBERT ARONSON - shield 02300, PO DANIEL
MCDADE - shield 2020, and "JOHN DOES" (names
not known and fictitious) -

21 East Second Street
Riverhead, New York 11901
631.369.7600

By:


Edward G. Lukoski (EL-7845)

TO:

JOSEPH T. MULLEN, JR. & ASSOCIATES
Attorneys for Plaintiff
30 Vesey Street, 15th Floor
New York, New York 10007
212.766.1177

Office of the Corporation Counsel of the City of New York
Law Department
100 Church Street, Room 3-199
New York, New York 10007
Att: Caroline L. Chen, Esq.

STATE OF NEW YORK)
) ss.:
COUNTY OF SUFFOLK)

VERONICA C. McKENNA, being duly sworn, deposes and says:

That deponent is not a party to this action, is over 18 years of age and resides in Manorville, New York.

That on the ^{3rd} day of April, 2008, deponent served the within MTA
DEFENDANTS RESPONSES TO PLAINTIFF'S FIRST SET OF
INTERROGATORIES upon the attorneys below set forth representing the parties, as indicated, at the addresses shown, said addresses being designated by said attorneys for that purpose, by depositing a true copy of same, enclosed in a postpaid properly addressed wrapper in an official depository under the exclusive care and custody of the United States Post Office Department within the State of New York.

JOSEPH T. MULLEN, JR. & ASSOCIATES
30 Vesey Street, 15th Floor
New York, New York 10007
212.766.1177

Office of the Corporation Counsel of the City of New York
Law Department
100 Church Street, Room 3-199
New York, New York 10007
Att: Caroline L. Chen, Esq.



VERONICA C. McKENNA

Sworn to before me this
3rd ay of April, 2008.



Lois A. Skula
Notary Public, State of New York
Registration No.: 4966255
Qualified in Suffolk County
Commission Expires :May 1, 2010

LEWIS JOHS

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Year 20

STEPHEN BAIN,

Plaintiff,

- against -

THE CITY OF NEW YORK, THE NEW YORK CITY POLICE DEPARTMENT, METROPOLITAN TRANSPORTATION AUTHORITY, METROPOLITAN TRANSPORTATION POLICE DEPARTMENT, LONG ISLAND RAILROAD d/b/a MTA LONG ISLAND RAILROAD, LONG ISLAND RAILROAD POLICE DEPARTMENT, PO ROBERT ARONSON - shield 02300, PO DANIEL McDADe - shield 2020, and "JOHN DOES" (names not known and fictitious)- POLICE OFFICERS,

Defendant.

**MTA DEFENDANTS' RESPONSES TO PLAINTIFF'S
FIRST SET OF INTERROGATORIES**

LEWIS JOHS

Lewis Johs Avallone Aviles, LLP

Counselors at Law

Attorneys for

Office and Post Office Address
21 East Second Street • Riverhead, NY 11901
631.369.7600 • Fax 631.369.7680
FILE #: _____

CERTIFICATION PURSUANT TO 22 N.Y.C.R.R. § 130-1.1a

The undersigned hereby certifies that, pursuant to 22 N.Y.C.R.R. § 130-1.1a, the contentions contained in the annexed document(s) is not frivolous nor frivolously presented

Service of a copy of the within

is hereby admitted.

Dated,

Attorney(s) for

Sir: Please take notice

NOTICE OF ENTRY

that the within is a (*certified*) true copy of a
duly entered in the office of the clerk of the within named court on

20

NOTICE OF SETTLEMENT

that an order
settlement to the HON.

of which the within is a true copy will be presented for
one of the judges

of the within named court, at
on

20 at

M.

Dated,

Yours, etc.

LEWIS JOHS